

REMARKS

Claims 1-5, 24, 32, 34, 45, 48, 60, 81, 92, 100, 123, 138, 146, 158, 167, 168, 169, 199, 215, 225, 235, 251, 266, 276, 285, 301 and 307 are pending in the Application.

Claims 1-5, 24, 32, 34, 45, 48, 60, 81, 92, 100, 123, 138, 146, 158, 167, 168, 169, 199, 215, 225, 235, 251, 266, 276, 285, 301 and 307 have been rejected.

Claims 123, 138, 146, 158, 167, 168, 169, 199, 215, 225, 235, 251, 266, 276, 285, 301 and 307 have been amended.

Claims 5, 24, 32, 34, 45, 48, 60, 81, 92, and 100 are cancelled in this response. Claims 338 to 369 are added.

Interview

The Examiner is thanked for the Interview kindly granted on February 18, 2010. In the meeting the Examiner agreed that the 101 issues were overcome, but was not sure that the claims were definitive enough to overcome the prior art. In particular the case of a single variable was covered by many of the claims and language such as "for allowing" provided for broad interpretation.

The Examiner further expressed his view that method claims would be more suitable for the present subject matter and would give broader protection than the presently proposed "means for" apparatus claims.

The present amendments address these concerns.

Claims Rejections 35 USC 101

Under this heading the Examiner rejects the claims as not clearly belonging to a statutory class.

The claims are all amended to recite explicitly an apparatus.

It is thus believed that the claims now clearly belong to a statutory class and that this rejection is overcome.

Claim Rejections 112

The issue of "means for" language to cover a specific function is now considered.

Applicant has amended "party goal program means for" to "party goal program having means for...", as per the Examiner's construction.

It is applicant's understanding that the rejection refers specifically to "party goal program means for" and not to other uses of means for language in the claims, such as "negotiator means", "optimizer means", "goal program input means" etc. since these all refer to functions such as negotiating, optimizing, inputting.

It is further applicant's understanding that correct formulation of the "means for" language will allow the claim as a whole to be interpreted as structure for carrying out a function and thus overcome the point that it appears as a hybrid claim.

Claim Rejections 35 USC 103

Claims 1-5, 24, 32, 34, 45, 48, 60, 81, 92, 100, 123, 138, 146, 158, 167, 168, 169, 199, 215, 225, 235, 251, 266, 276, 285 and 301 are rejected under 35 USC 103 as being unpatentable over Burchetta et al (US Patent 6,330,551) in view of Crawford et al. (US Patent 6,502,113).

All the claims are rejected based on a restatement of the previous rejection. Specifically the Examiner found in the previous response that "configured to" language is optional and is not structurally limiting.

Applicant has taken up the suggestion in the previous office action to use "means for" language to give patentable weight to the limitations.

By the present response, applicant believes that the improved means for language allows patentable weight to be given to the limitations.

Applicant in addition has restricted the claims to exclude the cases of single variables.

Applicant adds that it would not be obvious to extend the single variable cases of the prior art to multiple variables and multiple constraints since the prior art makes no suggestion of the mathematical structures that would be required to do this.

The present claims however define the mathematical structures, goal programs comprising objective functions and constraints.

New method claims are added, as per the Examiner's suggestion.

All of the matters raised by the Examiner have been dealt with and are believed to have been overcome.

In view of the foregoing, it is respectfully submitted that all the claims now pending in the application are allowable.

An early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

/Jason H. Rosenblum/

Jason H. Rosenblum
Registration No. 56,437
Telephone: 718.246.8482

Date: April 26, 2010

Enclosures:

- Petition for Extension (Two Months)
- Request for Continued Examination (RCE)